

Notice of Allowability

Application No.

09/702,817

Examiner

Kelly L. Jerabek

Applicant(s)

MISAWA ET AL.

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 4/26/2006.
2. ☒ The allowed claim(s) is/are 1,3,31 and 33-38.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION
EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Susan Pan on 5/24/2006.

The application has been amended as follows:

Please cancel claims 4-30.

Please amend line 12 of claim 1 to read as follows, "a plurality of operation switches **relating to the image capturing** disposed in a vicinity of said release switch and on said".

Please delete, "upper than said release switch" from line 16 of claim 1 and replace it with "entirely above said release switch".

Please amend line 11 of claim 38 to read as follows, "a plurality of operation

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switches **relating to the image capturing** disposed in a vicinity of said release switch and on said”.

Please delete, “upper than said release switch” from line 14 of claim 38 and replace it with “entirely above said release switch”.

Allowable Subject Matter

Claims 1, 3, 31 and 33-38 are allowed.

The following is an examiner's statement of reasons for allowance:

Re claims 1, 3, 31 and 33-37, the prior art does not teach or fairly suggest “An image capturing apparatus for capturing a subject comprising: a vertical body including a front face and a back opposed to the front face; a grip to be grasped by an operator's hand, said grip comprising at least a region of the front face and a region of the back; a release switch provided on the front face of said body in a region other than the part of said grip; a capturing lens provided on the back of said body in a region other than the part of said grip; an image monitor operable to display the subject, said image monitor being provided above said release switch, and **a plurality of operation switches relating to the image capturing disposed in a vicinity of said release switch and on said front face of said vertical body and said plurality of operation switches**

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not being disposed in said grip, and said release switch is positioned substantially at the center in the longitudinal direction of said vertical body and said operation switches are disposed within an area entirely above said release switch".

Re claim 38, the prior art does not teach or fairly suggest "An image capturing apparatus for capturing a subject comprising: a vertical body including a front face and a back opposed to the front face; a grip to be grasped by an operator's hand, said grip comprising at least a region of the front face and a region of the back; a release switch provided on the front face of said body in a region other than the part of said grip; a capturing lens provided on the back of said body in a region other than the part of said grip; an image monitor operable to display the subject, said image monitor being provided above said release switch, and **a plurality of operation switches relating to the image capturing disposed in a vicinity of said release switch and on said front face of said vertical body and said plurality of operation switches not being disposed in said grip, and said release switch is positioned substantially at the center in the longitudinal direction of said vertical body and said operation switches are disposed within an area entirely above said release switch, said vertical body being formed integrally".**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is **(571) 272-7312**. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on **(571) 272-7593**. The fax phone number for submitting all Official communications is **(703) 872-9306**. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at **(571) 273-7312**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ



DAVID OMETZ
SUPERVISORY PATENT EXAMINER